



DOCKET NO. 2629.1003-008

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER THREE PENDING APPLICATIONS**

In re Application of: Sudhir V. Shah
Application No.: 10/820,478
Filed: April 8, 2004
Confirmation No.: 8698
For: DIAGNOSIS AND TREATMENT OF HUMAN KIDNEY DISEASES

The owner, Shiva Biomedical, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term (defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Numbers 09/553,496, filed on April 20, 2000; 10/731,521, filed on December 9, 2003; and 10/820,537, filed on April 8, 2004) of any patent on the pending three applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the three applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the three applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/30/04
Date

Signature

Sudhir V. Shah

Typed or printed name

Shiva Biomedical, LLC

Name of Corporation

04/11/2005 ZJUHAR1 00000019 10820478

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STATEMENT UNDER 37 C.F.R. § 3.73(b)

Inventor: Sudhir V. Shah

Application No./Patent No.: 10/820,478 Filed/Issue Date: April 8, 2004

For: Diagnosis and Treatment of Human Kidney Diseases

Shiva Biomedical, LLC, a Limited Liability Company,
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

A. the assignee of the entire right, title and interest in the patent application identified above; or
B. an assignee together with [] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

A. An assignment from the inventor of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011060, Frame 0934-0936, or a copy thereof is attached.

OR

B. A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature: Sudhir, Shah

Name: Sudhir V. Shah

Title: President, SHIVA BIOMEDICAL LLC

Date: 3/30/04